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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>mk</i>
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09/132,143 08/10/98 NOHREN, JR.

IM22/1103

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EXAMINER

J 13-64

ART UNIT	PAPER NUMBER
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DATE MAILED: T

1724

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/132143

Applicant(s)

Nohren, Jr.

Examiner

Lithgow

Group Art Unit

1727

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE ✓ 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-23 is/are pending in the application.
- Of the above claim(s) none is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-23 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. approved
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 5 and 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall ('654).

Hall ('654) discloses a water filter device with a radial flow filter (2) and a sheath (9) there around. The water to be filtered must enter the sheath (9) at the bottom in a manner to exclude the air which is at the top of the liquid from entering the filter area.

Claims 1, 5-9, 11-13 and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Reid ('878).

Reid ('878) discloses a plurality of embodiments with figures 1-4, 6 and 8 being an invertible type of container and figures 5 and 7 being the siphon type. Claims 1, 5-9, 11-13 and 19-23 are taught by the siphon version. The siphon is considered a "straw" as applied against the claims. In the siphon version, the water is discharged from the tank while the tank is upright. Claims 1, 5, 11-12 are anticipated by the invertible version of the Reid container as shown by Fig. 1-2 (cylinder filter).

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Claims 1-5, 11-13 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatch ('512).

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Hatch similarly employs two embodiments fig. 1-2 for the first embodiment and figure 3-4 for a second embodiment. Claims 1, 5 and 12-13 are rejected over the figures 1-2 embodiment and claims 1-5, 11-13 and 14-17 are rejected over the fig. 3-4 embodiment. Briefly, the figs 1-2 embodiment has filter (14) with sheath (24) and is operated by squeezing (col. 4, line 20+). The sheath 24 is open at the bottom. The fig 3-4 embodiment has a sheath 62 around a filter (radial flow type) 56.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reid ('878) in view of Magnusson ('649).

The use of a cap and valve on a portable water purifier is taught by Magnusson ('649) figure 7. To so mount such a feature on Reid ('878) would be obvious to one of ordinary skill who desires the benefit of a non-spill valve to avoid accidental spills when the dispensing of the water is not desired.

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Claims 6-9 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Hall ('645) or Hatch ('512)- the figure ¹⁻²~~7-2~~ embodiment further in view of Magnusson ('649) - figure 5 version).

To mount a straw on the prior art water purifiers is shown by Magnusson - see fig. 5 to be an obvious expedient to make access to the water move convenient to the water consumer.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Reid ('878), Hall ('645) or Hatch ('512) as applied to claim 1 above, and further in view of Nohren, Jr et al ('759).

Nohren ('759) includes an activated carbon filter with pore size of 10-120 microns for use in a remote type water purifier. To use such a pore size for the carbon filters of the prior art would have been obvious to one of ordinary skill in the art.

T. Lithgow/vr

10-29-99



THOMAS M. LITHGOW
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GROUP 1700